UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/SR.9
16 August 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 August 1996, at 3 p.m.

Chairman: Mr. EIDE

later: Mr. LINDGREN ALVES

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GE.96-13307 (E)

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The meeting was called to order at 3.05 p.m.

ELIMINATION OF RACIAL DISCRIMINATION

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (agenda item 5) (continued) (E/CN.4/Sub.2/1996/5 and 8; E/CN.4/1996/71 and Add.1 and 72 and Add.1)

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FREEDOM OF MOVEMENT:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES;

(b) POPULATION DISPLACEMENTS;

(c) RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY (agenda item 18) (continued) (E/CN.4/Sub.2/1996/29)

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO RACISM, XENOPHOBIA, MINORITIES AND MIGRANT WORKERS (agenda item 20) (continued) (E/CN.4/Sub.2/1996/30)

1. Mr. IDAMKUE (International Association of Educators for World Peace), speaking on agenda item 5, said that in spite of the existence of international instruments and programmes to combat racial discrimination, discriminatory policies or practices persisted in several States that were parties to those instruments. One example was the case of the Dalit (Untouchables) in India, who were subjected to subhuman treatment simply because of the circumstances of their birth, and who, because of their ethnic origin or family background, had no social interaction with other members of society. The Committee on the Elimination of Racial Discrimination had recently received a report from a non-governmental organization (NGO) describing their plight in detail.

2. In Nigeria, the Government had enacted various military decrees nullifying the human rights of the Ogoni people. By the Petroleum Decree of 1971 and the Land-Use Decree of 1978, the Ogonis had been deprived of their land, natural resources and cultural heritage without any form of compensation. Their farmlands had been forcibly transferred to the Royal Dutch Shell oil company for drilling operations. The military tribunal that had sentenced Ken Saro-Wiwa and eight other human and environmental rights activists to death in November 1995 had been found by the Secretary-General's fact-finding mission to Nigeria to contravene Nigeria's Constitution and the international instruments to which it was a signatory, and to have been set up specifically to target Ogoni activists. Since 1994, Ogoni-land had been occupied by an Internal Security Task Force and cut off from the outside world. In his 1996 report (E/CN.4/1996/4), the Special Rapporteur on extrajudicial, summary or arbitrary executions had stated that the Ogonis were specifically targeted by the military. General Assembly resolution 50/199, adopted on 22 December 1995, also condemned those human rights abuses.

Since 1958 crude oil valued at US$ 30 billion had been extracted from Ogoni territory and the revenue therefrom used to finance development in other parts of Nigeria; meanwhile, the Ogonis themselves were destitute and lacked the most basic services and infrastructures.

3. The Sub-Commission had also received reports of discrimination against the Batwa of Rwanda, who were victimized by the dominant Hutus and Tutsis on account of their ethnic origin and way of life. His organization urged the Sub-Commission to call on the Governments of Rwanda, India and Nigeria to take appropriate measures to end all those discriminatory practices.

4. Mrs. NARANG (International Institute for Non-Aligned Studies), speaking on agenda item 5, said it was regrettable that the financial resources allocated to the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination had been reduced in 1994-1995; for while the problem of apartheid had been largely resolved, racial discrimination persisted in various forms in many parts of the world. There continued to be a direct relationship between poverty and the colour of one's skin: poverty could thus be seen as a form of global apartheid. Immigrants to developed countries suffered discrimination in their jobs and social lives. Lately, groups had emerged that talked openly of racial superiority. Even in the Western liberal democracies, constitutional and legislative measures were inadequate to solve social and cultural conflicts, sometimes even exacerbating them. In the predominantly monolingual and monocultural societies of the West, the State had been formed around unitary symbols: one language, one religion, one culture, one community, and, in extreme cases, one party and one leader. Now that migration had made many of those societies multiracial, those who believed that a single language or culture or control by an allegedly superior race ensured stability were deceiving themselves. Her organization thus supported the suggestion, referred to in paragraph 68 of the annotations to the provisional agenda (E/CN.4/Sub.2/1996/1/Add.1), concerning the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance; and urged all States to support the Commission and Sub-Commission in their efforts to eliminate racism. Merely by fractionally reducing their expenditure on armaments, States could make available the financial resources needed for that task.

5. Mr. KAUL (International Institute for Peace), speaking on agenda item 5, said that in Pakistan the Ahmediyas continued to be persecuted by the Government as non-Muslims and the Mohajirs, Muslim refugees from India, who had been in the forefront of the movement to create Pakistan, were now the most hounded of all Pakistan's citizens, on account of their distinct cultural identity. No less a person than the Minister of the Interior had justified killing them in custody.

6. In Jammu and Kashmir fundamentalist terrorists and mercenaries pillaged and killed a population whose creed of harmonious coexistence was anathema to them. The Hezb Ul Mujahideen group led by Mast Gul had been responsible for setting fire to the shrine at Charar E Sharief which for centuries had stood as a symbol of Muslim-Hindu amity in Kashmir. On his return to Pakistan, Mast Gul had been given a hero's welcome, and was now recruiting volunteers to fight a jihad aimed at replacing Kashmir's secular polity with a fundamentalist State. The same ideology that allowed the Pakistan Government

to persecute the Mohajirs because of their distinct cultural identity also imbued the mercenaries and terrorists trained in Pakistan and sent to Jammu and Kashmir. An urgent programme of action must be drawn up to curtail the support given by States such as Pakistan to terrorists and fundamentalist groups who executed in other countries the same deadly ideology that the Government of Pakistan was implementing in its own country.

7. Mr. PHILLIPS (Minority Rights Group), speaking on agenda item 17, said that with the creation of the new Working Group on Minorities, past criticisms that the Sub-Commission allocated insufficient time and attention to minority issues had now been addressed. In a recent review of the Sub-Commission's work, the Human Rights Advisory Committee of the Netherlands had singled out four ingredients for a successful working group: members who were experts on a subject; a mandate based on substantial research; participation of key actors including Governments and NGOs; and effective secretariat support. The Working Group clearly met all four criteria. It was becoming a mechanism that facilitated dialogue and conciliation between minorities and Governments, both through informal discussion and through the dissemination of ideas and documents. His organization strongly supported the recommendation of the Working Group that a voluntary fund should be established to enable minorities to participate in its discussions.

8. While the overall picture was thus positive, there had also been some causes for concern. The first session had been held at short notice, and had been under-prepared. The reference to "solutions to problems" in paragraph 205 of the report on the second session (E/CN.4/Sub.2/1996/28) might have been better expressed as "constructive responses to issues"; for intercommunity relationships rarely had solutions per se. The secretariat would need external help, more resources and a continuity of purpose to tackle the complex issues involved.

9. Four specific points merited highlighting. First, the Working Group should urge Governments and donors to provide data on levels of illiteracy among minorities. Second, indicators were needed on implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Third, the Centre for Human Rights should establish a database containing information on the work of United Nations bodies, specialized agencies and its own implementation mechanisms, which could then be shared with Governments, NGOs and the minorities. Last but not least, his organization proposed that, in order to avoid a hiatus in its work in 1998, the Sub-Commission should recommend to the Commission that the Working Group should be given a permanent mandate.

10. Mr. ZIARAN (Observer for the Islamic Republic of Iran) said that by Commission resolution 1995/12 the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had been extended to include discrimination against Blacks, Arabs and Muslims, negrophobia and anti-Semitism.

11. In discharging that mandate the Special Rapporteur had visited the United States of America and some European countries where the situation warranted serious examination. In his report contained in

document E/CN.4/1996/72 he noted that racist propaganda and incitement to ethnic and racial hatred were spreading, and that racism was taking increasingly violent forms.

12. His delegation was concerned that Governments had tended to encourage the perpetrators of those acts by introducing restrictive measures aimed at foreign immigrants and refugees, often boosted by new laws on immigration. Excuses such as security concerns were invoked to justify restrictions on the enjoyment by migrants and refugees of their basic human rights, including the rights to asylum, freedom of movement, property, employment and preservation of their culture. Those measures constituted a subtle reflection of xenophobia.

13. The main victims of those new forms of racism and xenophobia were Muslims, who were perceived in the West as an immediate threat, against whom any form of action was permissible. Whenever an incident occurred, the first suspects were Muslims, in violation of the principle of presumption of innocence. The seriousness of the problem called, not merely for discussion, but for action on the part of the Sub-Commission. In accordance with its mandate and Commission resolution 1996/25, it should give priority to addressing that issue.

14. Mr. YIMER, speaking on agenda item 17, said that the reports of the Working Group on Minorities on its first and second sessions (E/CN.4/Sub.2/1996/2 and 28) contained many interesting ideas. All the issues before the Working Group had been discussed adequately. Paragraphs 38, 47 and 53 of the second report contained some particularly noteworthy proposals.

15. On the question of definitions, any attempt to define minorities would be a futile exercise, for the absence of a definition did nothing to hamper the work of the Working Group. As the Chairman-Rapporteur had pointed out, rather than defining a minority it might be more appropriate to adopt a constructive approach on the basis of the differences in the needs of minorities and the situations in which they found themselves. Also of interest was the distinction drawn between the rights of indigenous peoples and of minorities. As one observer had noted (para. 167), caution should be exercised in linking rights to domicile or long-term residence.

16. On the future role of the Working Group, he agreed that it should be the driving force of the activities of the United Nations in that field as the main forum for discussion between minorities and Governments (para. 175). However, the suggestion that it might serve as a forum for defusing tensions and preventing conflict involving minorities was not acceptable, for the Working Group had no mandate to involve itself in the task of conflict resolution. He endorsed the proposal that the Working Group should consider organizing its work on a thematic basis, focus on implementation of the Declaration (para. 177), and promote understanding of the Declaration through interpretative studies of its articles (para. 181). Also of interest were the various proposals contained in paragraphs 186 and 187 of the second report. In his view, there was no need to extend the mandate of the Working Group at the present juncture, since it was already sufficiently broad to allow the Working Group to discuss all issues adequately. That mandate should, however, be made more or less permanent.

17. Ms. HERNANDEZ QUESADA (Observer for Cuba), speaking on agenda items 5 and 20, said her delegation was deeply disturbed at the resurgence of racism, racial discrimination and xenophobia accompanied by the rise of extreme right-wing political organizations and paramilitary groups, as in countries such as the United States of America. Attempts were being made to attribute those phenomena to extremist elements, but any objective analysis was bound to take account of the impunity enjoyed by the perpetrators of outrages, who sheltered behind a selective interpretation of human rights.

18. The end of apartheid did not signify the end of racism and discrimination, but it did offer an opportunity for efforts to be redirected towards tackling the institutionalized racism and discrimination existing in many parts of the world, by implementing the relevant conventions, declarations, machinery and action programmes. Freedom of expression and association continued to be used as a means of stirring up hatred and xenophobia, and some States which had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination had entered reservations on article 4, according to which States parties should declare incitement to racial discrimination an offence punishable by law.

19. Meanwhile barriers were being raised against immigrants, often under the cloak of spurious political and nationalist interests or electoral considerations. It was extremely difficult if not impossible for immigrants and racial minorities to find a place in society, despite their major contribution to the economies of many countries in the North, where racism and discrimination were contributing to the growing gap between rich and poor in contemporary society.

20. The artificial financial crisis facing the United Nations, caused by certain States Members withholding their budget contributions, meant that all the gains made in the struggle to combat racism and racial discrimination and in the protection of minorities might be lost. However, when a topic was of greater interest to the richer States, the necessary funding was invariably found, whereas bodies such as the rights of the child were facing a financial obstacle course in order to fulfil their mandates. The problems needed special and continuing attention in order to prevent the programme of the Third Decade to Combat Racism and Racial Discrimination, the work of its Special Rapporteur as well as that of the relevant bodies within the United Nations system from losing sight of the purpose for which they were established.

21. Finally, she called on the members of the Sub-Commission to support the convening of an international conference on new forms of racism, racial discrimination, xenophobia and related intolerance.

22. Mr. TRUTER (Observer for Romania), speaking on agenda items 5, 17 and 20, reviewed the work of the Council for National Minorities, set up by the Romanian Government in 1993. National minorities had the right to be represented in parliament, where they were currently represented by 52 deputies, and they were also well represented at local level.

23. Through its six standing committees, the Council considered all aspects of the rights of national minorities in relation to the preservation, development and expression of their ethnic, cultural, linguistic and religious traditions. He went on to give examples of the Council's work in various areas. In the area of education, a new law made it compulsory to include the history of national minorities in all classes in Romanian schools. A bill on national minorities had been drafted by the Council, and was currently before parliament. The Council had financed publications, congresses, festivals and other activities for minorities, and had a special budget to support the European Youth Campaign against Racism, Anti-Semitism, Xenophobia, and Intolerance. Also, at a recent ministerial conference in Warsaw, the Council had declared its intention to continue with its campaign against racism until the year 2000. A committee had been set up to oversee the restitution to national minorities of property confiscated by the former communist regime, and for that purpose minorities had been granted access to the national archives. The Council had also developed a special training programme to train minority leaders in the international legislation of the United Nations, the Council of Europe and the Organization for Security and Co-operation in Europe.

24. Ms. TANGGAHMA (Survival International), speaking on agenda item 5, drew attention to the discrimination suffered by the indigenous people of West Papua, New Guinea. As part of its policy to create a uniform Indonesian race, the Indonesian Government sought to impose the name "Irian Jaya" on the people who had to call themselves "Irianese". Its transmigration scheme was turning the West Papuans into a minority in their own country, where they were unable to compete on an economic, social or cultural level with the dominant, mainly Javanese newcomers, who took advantage of the Indonesian patronage network to secure jobs, even in preference to better qualified West Papuans. The terms used by the authorities to describe the indigenous people of West Papua were degrading - masyarakat terasing (alienated communities) or masyarakat primitif (primitive communities) - and revealed the same degree of discrimination and intimidation as was to be found in the government development programmes, which were turning the West Papuans into an underclass of strangers in their own land.

25. Furthermore, transnational corporations were exploiting the lands of the West Papuans without any benefit to the local people. For example, the Grasberg opencast mine, operated by an Indonesian subsidiary of the United States company Freeport McMoran, had reduced the rain forest to a vast complex of mines, roads and towns. Local people had seen their hunting grounds taken over, their rivers polluted and their sacred mountain ravaged, with practically no consultation or compensation. Hundreds of people had been displaced and resettled in a crowded and unhealthy township.

26. The mixture of prejudice, discrimination and complete disrespect of West Papuan culture and neglect by the Government had put West Papuans at risk of becoming completely marginalized in their own rich country. The first step towards fighting the racism suffered by the West Papuans was to recognize that such practices were occurring. Therefore, Survival International recommended that the United Nations should send a fact-finding mission to West Papua to investigate the grievances and systematic discrimination of the indigenous population at all levels of society.

27. Ms. KABIR (International Progress Organization), speaking on agenda item 5, said that against a background of racial discrimination which took the form of the denial of human rights on the basis of race and religion, a new phenomenon was emerging, namely, the attempt by terrorist groups to justify their actions on the grounds of religion. Discrimination based on tribal, ethnic and religious intolerance was growing, with groups targeting each other and attempts being made by terrorist groups owing allegiance to one religion to destabilize societies where other religions predominated. The question of racial intolerance needed to be addressed in conjunction with those of religious and ethnic discrimination. To that end, as a first step, the institutions of democracy had to be strengthened, as democracy and secularism were the best eliminators of racial prejudice.

28. Educational programmes had to be established to convince people of the interdependence of groups despite differences in race or creed. However, an enlightened society could only be established if the international community first educated those Governments whose constitutions or institutions legitimized the policies of discrimination. Country-specific programmes needed to be drawn up based on the findings of impartial observers and NGOs, so that any Government which allowed discrimination to become institutionalized would be censured.

29. It was becoming increasingly noticeable that those countries whose systems legitimized discrimination were also those which were becoming sources of terrorist activity, and which were using terrorism to export fundamentalist structures to secular and tolerant societies. The denial of the results of democratic elections had been seen to lead to the genocide of co-religionists who were racially different. Mere advice and platitudes would not make the practitioners of discrimination change their ways. A programme of education must therefore be given teeth through a system of international censure.

30. Mr. LACK (International Association of Jewish Lawyers and Jurists), speaking on agenda items 5 and 17, acknowledged the important role played by the Sub-Commission in drafting international standards on both racial and religious discrimination.

31. The two most recent sessions of the Working Group on Minorities had been a most effective forum, bringing together States, NGOs (with or without consultative status), the relevant specialized agencies of the United Nations and regional intergovernmental organizations such as the Council of Europe and the Organization for Security and Co-operation in Europe. His organization supported the Sub-Commission for its innovative role in acting as a focal point for those organizations, and urged it to give greater publicity to future sessions of the Working Group. He noted that the critical role of treaty bodies concerned with different aspects of minority rights, notably the Human Rights Committee with respect to article 27 of the International Covenant on Civil and Political Rights, had not been overlooked.

32. His organization welcomed the decision of the Sub-Commission to examine the reports of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia and related intolerance (E/CN.4/1996/72 and Add.1). However, it deeply regretted the attempts, which had fortunately been unsuccessful, of some delegations at the

fifty-second session of the Commission to curtail the mandate given to the Special Rapporteur to report on contemporary forms of anti-Semitism under the Commission's landmark resolution 1994/64. His organization found the Special Rapporteur's insights into contemporary incidents and manifestations of xenophobia in Germany, France and the United Kingdom particularly helpful, and his recommendations constructive. However, he would welcome clarification of the curious statement in paragraph 16 of the report (E/CN.4/1996/72) on the existence of xenophobia in Germany, according to which: "racism is based on skin colour and religion: people of Judaeo-Christian background and the rest." He noted that early suspicions had been confirmed that the racist and anti-Semitic desecration of a Jewish cemetery in France in 1990 had been the act of an extremist right-wing group. He expressed concern that anti-Semitism in the United Kingdom was described in the report as being attributable to extremist Islamic and other irredentist groups active throughout the world, including Eastern Europe and the former Soviet Union.

33. His organization endorsed the expressions of dismay at the insensitive and misleading references to anti-Semitism in the Special Rapporteur's first report (E/CN.4/1995/78 and Add.1), which had implied endorsement of certain anti-Semitic myths rather than a rejection of them as false. It was to be hoped that such misunderstandings, which had possibly arisen from the financial constraints under which the Special Rapporteur had to work, would be avoided in the future. He trusted that disconcerting information in the Special Rapporteur's report on his mission to Brazil (E/CN.4/1996/72/Add.1) would be carefully evaluated by the Sub-Commission. He also deplored the fact that no further light had been shed on the terrorist bombing of the Jewish Community Centre in Buenos Aires over two years previously, which had killed almost 100 people.

34. Finally, he hoped that the Sub-Commission would put a more realistic emphasis on areas in which it was in a position to contribute more effectively to the implementation of existing human rights standards, and avoid duplicating work on human rights already being performed by the Commission and the General Assembly.

35. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) urged the Sub-Commission to take a critical look at the theoretical and practical issues of relevance to the Third Decade to Combat Racism and Racial Discrimination.

36. "Globalization", for example, was frequently blamed for a trend towards extreme forms of assertion of identity. But the term in itself was meaningless; what mattered was the associated standardization of lifestyles and patterns of consumption. Phenomena of social exclusion, nationalist rejection, intercommunal strife and fanatical demonization were viewed in fatalistic terms as though they had been produced by the operation of an objective law. But the world was composed of human beings and there was no authentic globalization without moral and political unification. He feared that the reification of the world, which produced such fearsome monsters of exclusion, would have an explosive impact on events in the years ahead.

37. Massacres and ethnic cleansing in the former Yugoslavia and the Great Lakes Region of Africa were two terrible manifestations of racism among peoples who were not really separate since they spoke the same language.

38. In Europe, policies that were purportedly directed against illegal immigration were in fact inspired by the racist idea of a threat of invasion from the impoverished South, particularly Africa. According to the official doctrine of the European Union, there was no relationship between racism and immigration policies but that theory was belied by the slogans of overtly racist political parties. The Sub-Commission must persuade the industrialized countries to refrain from exploiting fear of immigration for electoral purposes.

39. Deploring the fact that so few States, North or South, had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, he urged the Sub-Commission to adopt a resolution calling on all countries to do so.

40. His organization advocated the convening of a world conference against racism and for friendship among peoples, at which papers would be presented by legal experts, historians, sociologists and philosophers.

41. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism), speaking on agenda item 17, said that although over 90 per cent of the Korean community in Japan had been born and raised in the country, over 70 per cent had not acquired Japanese nationality and were still treated as foreigners for legal purposes. The Study Centre for Koreans and Minorities in Japan had been discriminated against by a Japanese company in 1994 on the grounds that it required a Japanese guarantor. The case had been brought before the Civil Rights Protection Bureau of the Ministry of Justice but no decision had yet been taken.

42. The Roma minority suffered widespread discrimination and exclusion, particularly in south-eastern Europe where pogroms had been conducted after the fall of communism. Even the Council of Europe used discriminatory language and stereotypes in its report on the situation of gypsies (Roma and Sinti) in Europe (CDMG(95)11/78). The Sinti and Roma had been defamed in a newspaper article in the Czech Republic as "potential carriers of epidemics", the disparaging term gitanada continued to be used in Spain and the Government of Romania had recommended that Roma minorities should be referred to as "gypsies".

43. She suggested that the Working Group on Minorities should be expanded so that it became a real forum for dialogue and that a voluntary fund should be established to enable more representatives of minorities to participate.

44. Miss Li Son OK (International Association of Democratic Lawyers), speaking on agenda item 17, said that Koreans resident in Japan were discriminated against, especially in education. As many Koreans had been forcibly moved to Japan during its colonial rule of Korea, Korean educational establishments had fulfilled an important role in keeping Korean culture alive. But the Japanese Vice-Minister of Education had said that such

establishments were designed to foster racism among Koreans and should not be given official recognition. As a result, graduates were denied the right, for example, to sit the examination to become a State-qualified nurse.

45. She recommended that the Sub-Commission should take steps to end discrimination against Korean schools in Japan.

46. Mr. KAUL (International Institute of Peace), speaking on agenda item 17, said that the Kashmiri Pundit minority had been persecuted by terrorists who had forced 250,000 Hindu families to seek refuge in camps in Jammu and Delhi. While the human rights community dwelt endlessly on the action taken by the security forces against the terrorists, scant attention was paid to the Hindus languishing in their camps because they had no nuisance value, they did not bear arms and they had no place in the strategic plans of Governments. A daring few Hindu families had made their way back to Kashmir but the targeting of Hindus by the Pakistan-sponsored fundamentalist mercenaries continued and whole families had recently been wiped out.

47. It was therefore essential to protect minorities not only from the discriminatory policies of Governments but also from the depredations of gun-wielding terrorists.

48. Mr. VAN WALT VAN PRAAG (Pax Christi International), speaking first on agenda item 17, urged the Sub-Commission to ensure that the mandate of the Working Group on Minorities was extended and that its work was facilitated and adequately financed.

49. The term minority should not be restrictively defined. Attempts to draw rigid distinctions between peoples, indigenous peoples and minorities often reflected a desire to limit the rights of affected population groups. The standards contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities should be applied regardless of the label given by Governments to specific population groups.

50. Language rights, education and effective participation in decision-making were key issues. Many Governments viewed minority groups and indigenous and other non-dominant peoples as a potential threat to their power and their attempts to deal with that threat ranged from denial of rights and attempted destruction of national, cultural, religious or ethnic identity to the use of military force. A recent example of the latter course of action was the indiscriminate killing of Chechens by the Russian armed forces to prevent the Chechen people from exercising their right to self-determination. The United Nations remained a mere onlooker as many of the most important provisions of the Geneva Conventions of 1949 were violated. On the other hand, the Secretary-General's envoys were making an important contribution to peace efforts in Abkhazia and Bougainville.

51. Relations between States and oppressed peoples and minorities would represent a major challenge in the coming decades. Military force further alienated its victims and Governments that waged war against the oppressed were in danger of losing their credibility, legitimacy and power.

52. Turning to agenda item 18 (b), he said that it was very important for the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements, to complete his final report for consideration by the Sub-Commission.

53. He drew attention to the situation of Ingush refugees who had been expelled by Russian and Ossetian troops from North Ossetia in 1992 and were living in terrible conditions in Ingushetia. He recommended that a United Nations mission should be sent to the area to make recommendations to the Russian Government.

54. The guerrilla war being waged in the Chittagong Hill Tracts of Bangladesh would in all likelihood persist until the settlement of Bengali farmers on the lands traditionally inhabited by the Chakma and indigenous Jumma peoples was stopped and reversed.

55. Other sources of tension and conflict were the movement of Javanese and other alien people to West Papua, Acheh and occupied East Timor, of Serbians into Kosovo and of Chinese into eastern Turkestan and Tibet.

56. The Crimean Tatars, deported by Stalin in 1944 and recently permitted to return to the Crimea, had met with a hostile reception from Russian settlers who sought to deprive them of their rights as an indigenous people.

57. Large numbers of Karenni civilians continued to be transferred forcibly to centralized security areas by the State Law and Order Restoration Council (SLORC) in Myanmar.

58. In Bougainville, the Papua New Guinea Defence Forces had ordered between 30,000 and 40,000 Bougainvillians to leave their villages for so-called Care Centres controlled by the Defence Forces.

59. True conflict prevention must include an understanding of population transfer and action to prohibit and prevent its many destructive manifestations.

60. Mr. Lindgren Alves took the Chair.

61. Mr. ARNOTT (War Resisters' International), speaking on agenda item 18 (b), noted that the multidisciplinary seminar on population transfer due to be held prior to completion of the Special Rapporteur's final report had been held up by a lack of funds. The Sub-Commission should do its utmost to ensure that the seminar was held before the end of the year. The final report should focus on the relationship between population transfer and the breakdown of the economic, social and cultural structure of the affected communities. Where rural populations were removed from the land, the result was frequently malnutrition. Relocation to different climatic zones carried the risk of death from exposure to new diseases. In general, population transfer in the form of ethnic cleansing, implantation of settlers, forced relocations and evictions had been a major source of human rights violations and political instability throughout the world.

62. Mr. STANDRING (Liberation) drew attention to ways in which the rights of religious minorities, migrant workers, asylum-seekers, industrial and other workers, and trade unionists were being violated across the world, citing cases in Kuwait, Saudi Arabia, the United Kingdom, France, Germany, Turkey, the United States of America, Nigeria and Bangladesh. However, the situation was particularly serious in Pakistani-occupied Kashmir, whose inhabitants were denied the very rights which the Pakistani Government demanded for others under Indian control. The violations included illegal detention, torture, phoney elections, violence against peaceful rallies, the suppression of trade unions, extrajudicial killings, and State-sponsored and private terrorism. The time had surely come for a fact-finding mission to be sent to study the cases of trade union and other human rights violations committed by Pakistan against its minorities, especially in Pakistani-occupied Kashmir.

63. Mrs. WARZAZI, speaking on a point of order, noted that the previous speaker had been dealing largely with material falling under agenda item 6. She hoped that in future NGOs would confine their comments to the agenda item or items under consideration and that the Chairman would stop them if they failed to do so.

64. Mr. EIDE, Chairman-Rapporteur of the Working Group on Minorities, speaking on agenda item 7, introduced the Working Group's reports on its first session (E/CN.4/Sub.2/1996/2) and on its second session (E/CN.4/Sub.2/1996/28). After explaining the Working Group's mandate as set forth in paragraph 2 of document E/CN.4/Sub.2/1996/2, he said that the Working Group had held its first session from 28 August to 1 September 1995 and its second session from 30 April to 3 May 1996. It had arrived at the recommendations contained in paragraphs 205 et seq. in document E/CN.4/Sub.2/1996/28, which he proceeded to highlight. The Working Group was particularly anxious to encourage wider participation in its proceedings, especially by national minority councils. It would hold its third session in the spring of 1997 and would then submit its concluding comments to the Sub-Commission at its forty-ninth session. It was hoped that the Working Group's mandate could be extended beyond the current three-year period in such a way as not to leave a gap in its existence in 1998 - a problem that would have to be taken into account in any draft resolution on the subject.

65. He went on to introduce his working paper on agenda item 20 (E/CN.4/Sub.2/1996/30), stressing the 16 elements of the conclusion contained in paragraphs 35-51 and the need for closer cooperation with the Committee on the Elimination of Racial Discrimination. An important workshop on minimum humanitarian standards in internal armed conflicts was due to be held in South Africa in September 1996. He hoped that his working paper would help to identify the priorities that should be set within the field of racism, xenophobia, minorities and migrant workers.

66. Mr. MAXIM, speaking on agenda item 17, noted that the participation of a large number of governmental and non-governmental observers had helped to enrich the Working Group's thinking and to turn it into a real laboratory for work on minority populations. Particularly valuable for the future were the recommendations on the collection and comparison of constitutional and legislative provisions, the preparation of brief studies on the content and objectives of the 1992 Declaration on the Rights of Persons Belonging to

National or Ethnic, Religious and Linguistic Minorities, and the concentration of effort on specific topics such as multicultural education, minorities and the territorial integrity of States, and the role of the media. The adoption of a more positive and serene general approach had also been helpful.

67. He believed that the Working Group could develop ideas on the rights of members of minority groups, which were frequently manipulated into participating in inter-ethnic conflicts, and clarify some of the nebulous terms deliberately used in order to foment confusion. It was gratifying that the Working Group had avoided the tendency to separate minority rights from human rights in general. In the collection of information on national legislation on minorities it was important that the consideration of national policies on minorities should be accompanied by a thorough examination of the specific measures put into practice to implement them. A comparative study of the situation in regions such as Europe might be helpful in that respect.

68. Mr. EL-HAJJÉ said that he hoped that in future the Working Group would concern itself with conflicts between different minority groups within the same country and investigate situations in which specific minority groups voluntarily isolated themselves from the rest of society because they considered themselves to be different. That could perhaps be done in connection with the issue of multicultural education. Consideration should also be given to situations in which countries were actually governed by minority groups.

69. Mr. GUISSÉ said that the proceedings of the Working Group showed that solutions were beginning to be found. However, there was a need to strike a balance between the rights of minority groups and their political, economic and social duties, since overall progress depended on the efforts made by all groups, including minorities.

The meeting rose at 6 p.m.